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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

ORIGINAL
(Fed)

**NOTICE OF POTENTIAL LIABILITY AND OFFER TO NEGOTIATE
FOR REMOVAL ACTION
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Federation of Jewish Agencies
Attn: Mr. Robert Hass
226 S 16th St.
Phila., PA 19107

MAY 6 1991

Re: 70th and Kingsessing (the "Site")

Dear Sir or Mr. Hass:

This letter confirms notification of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9607(a), as amended (CERCLA), that the Federation of Jewish Agencies ("the Federation") may incur or may have incurred with respect to the above-referenced site. Prior oral notification of potential liability was given on May 2, 1991 to Mr. Robert Hass, counsel for the Federation. This letter also notifies the Federation of forthcoming removal activities at the Site which the Federation may be asked to perform or finance at a later date.

NOTICE OF POTENTIAL LIABILITY

The United States Environmental Protection Agency ("EPA") has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced Site. EPA has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a potentially responsible party (PRP) or parties will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA, 42 U.S.C. §9604.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), and the Resource Conservation and Recovery Act, 42 U.S.C. Sections 6901 et seq. (RCRA), and other laws, PRPs may be obligated to implement response actions deemed necessary by EPA to protect health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to,

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expenditures for investigations, planning, response, oversight, and enforcement activities. In addition, PRPs may be liable for damages to natural resources. EPA may issue an administrative order pursuant to Section 106(a) of CERCLA to require PRPs to commence cleanup activities. Failure to comply with an administrative order issued under Section 106(a) of CERCLA may result in a fine of up to \$25,000 per day, under Section 106(b) of CERCLA, or imposition of treble damages, under Section 107(c)(3).

EPA has evaluated information in connection with the investigation of the site. Based on this information, EPA believes that the Federation may be a PRP with respect to this site. PRPs under CERCLA include current owners and operators of the site, owners and operators at the time of disposal, as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to the site. By this letter, EPA notifies the Federation of its potential liability with regard to this matter and encourages the Federation to voluntarily perform or finance those response activities that EPA determines are necessary at the site.

SITE RESPONSE ACTIVITIES

At present, EPA is planning to remove and properly dispose of the drums of hazardous materials in the on-site trailers.

DECISION NOT TO USE SPECIAL NOTICE

Under CERCLA Section 122(e), EPA has the discretionary authority to invoke special notice procedures to negotiate formally the terms of an agreement between EPA and PRPs to conduct or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRP or PRPs are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures. It is EPA's policy not to use the special notice procedures for removals unless there is a 6-month planning lead time after the decision to respond and prior to the initiation of the action. Since the planning lead time prior to the initiation of this response action is less than 6 months, special notice procedures will not be used. Nonetheless, EPA is willing to discuss settlement opportunities without invoking a moratorium, but will initiate the response action as planned if such discussions do not lead to settlement expeditiously.

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INFORMATION TO ASSIST RESPONSIBLE PARTIES

EPA would like to encourage good faith negotiations between the PRPs and EPA, and among the PRPs. To assist PRPs in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing the following information as attachments to this letter:

A list of names and addresses of PRPs to whom this notification is being sent. This list represents EPA's preliminary findings on the identities of PRPs. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the site.

DEMAND FOR PAYMENT

In accordance with CERCLA, EPA already has undertaken certain actions and incurred certain costs in response to conditions at the Site. The Federation is potentially liable for additional costs plus interest if EPA conducts additional activities at the site. EPA may demand these costs from the Federation at some time in the future.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. § 9613(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this Site, will be available to the public for inspection and comment. The primary location is generally the EPA Regional office, which for Region III is 841 Chestnut Building, Philadelphia 19107.

PRP RESPONSE AND EPA CONTACT

The Federation is encouraged to contact EPA within seven days from receipt of this letter to indicate its willingness to participate in future negotiations at this site. The Federation may respond individually or through a steering committee if such a committee has been formed. If EPA does not receive a timely response, EPA will assume the Federation does not wish to negotiate a resolution of its liabilities in connection with the response, and that the Federation has declined any involvement in

performing the response activities. The Federation may be held liable under Section 107 of CERCLA for the cost of the response activities EPA performs at the Site and for any damages to natural resources.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein. The Federation's response to this notice letter should be sent to:

U.S. Environmental Protection Agency
Terry Stilman, OSC
CERCLA Enforcement Section (3HW33)
841 Chestnut Building
Phila., PA 19107
(215) 597-6686

If the Federation has any questions pertaining to this matter, please direct them to Mr. Stilman, referred to above, or Charles B. Howland, Assistant Regional Counsel, at (215) 597-3210.

Sincerely,


Abraham Ferdas, Director
Office of Superfund
Hazardous Waste Management Division

PRP List 70th and Kingsessing Drum Dump

Nippon Liner Systems
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

Mr. Raoul Witteveen, President
Interpool Containers
630 3rd Avenue
New York, NY 10017

Mr. Robert Tannenbaum
2000 South 71st Street
Phila., PA 19142

Federation of Jewish Agencies
Attn: Mr. Robert Hass
226 South 16th Street
Phila., PA 19107

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